

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KATHLEEN M. PITZER,)	
)	
Plaintiff,)	Civil Action No. 10-1564
)	
v.)	Judge Cathy Bissoon
)	
RINGGOLD AREA SCHOOL)	
DISTRICT,)	
)	
Defendant.)	

ORDER

Defendant's Motion in Limine (Doc. 52) will be denied. Plaintiff's evidence regarding Mr. Homa's alleged prior conduct is relevant to her claims that Defendant, through Mr. Homa's influence, was motivated to retaliate against Plaintiff once her employment with the School District resumed. The Court declines Defendant's request to exclude the evidence under Federal Rule 403, and the fact that the Court granted summary judgment in the prior litigation on Plaintiff's claims of hostile work environment is not dispositive of the admissibility issue in this case. *See LeBoon v. Lancaster Jewish Cmty. Ctr. Ass'n*, 503 F.3d 217, 232 n.9 (3d Cir. 2007) (retaliation plaintiff "need not prove the merits of the underlying discrimination complaint") (citation omitted); *Wilkerson v. New Media Tech. Charter Sch., Inc.*, 522 F.3d 315, 322 (3d Cir. 2008) (plaintiff need only show that "[a] reasonable person could have believed that the underlying incident complained about constituted unlawful discrimination").

Although the issue presents a close question, the Court ultimately is persuaded by the arguments in Plaintiff's opposition brief, and for the reasons stated therein and above, Defendant's Motion in Limine (**Doc. 52**) is **DENIED**.

IT IS SO ORDERED.

March 20, 2013

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record